

CHAPTER 9.30

Offenses Related to Marijuana

9.30.010 Definitions.

The following terms shall have the meanings set forth herein:

Colorado Medical Marijuana Code means Article 43.3 of Title 12, C.R.S.

Marijuana means all parts of the plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate. *Marijuana* includes marijuana products, as defined herein. *Marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

Marijuana accessories means any equipment, products or materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing or containing marijuana, or for ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

Medical marijuana card means a card properly and duly issued under the Colorado Medical Marijuana Code. (Ord. 580-13 §1)

9.30.020 Possession of marijuana and marijuana accessories.

A. No person under twenty-one (21) years of age shall possess marijuana or marijuana accessories unless such person has been issued a medical marijuana card. If such person has been issued a medical marijuana card, such person shall not possess more than two (2) ounces of marijuana unless otherwise authorized to do so by the Colorado Medical Marijuana Code.

B. No person twenty-one (21) years of age or older shall possess more than one (1) ounce of marijuana unless such person has been issued a medical marijuana card. If such person has been issued a medical marijuana card, such person shall not possess more than two (2) ounces of marijuana unless otherwise authorized to do so by the Colorado Medical Marijuana Code. (Ord. 580-13 §1)

9.30.030 Sale and transfer of marijuana and marijuana accessories.

A. No person shall sell, distribute, transfer, trade, exchange or give marijuana or marijuana accessories, with or without remuneration, to a person under the age of twenty-one (21).

B. No person shall sell, distribute, transfer, trade or exchange marijuana or marijuana accessories, with remuneration, to a person twenty-one (21) years of age or older.

C. No person shall give more than one (1) ounce of marijuana to a person twenty-one (21) years of age or older. (Ord. 580-13 §1)

9.30.040 Public consumption or use of marijuana.

A. No person shall openly and publicly consume or use marijuana.

B. No person shall consume or use marijuana in a manner that endangers others.

C. No person shall consume or use marijuana in a location or facility owned or operated by the City, including but not limited to public parks, public buildings and public streets. (Ord. 580-13 §1)

9.30.050 Prohibitions regarding minors on private property.

No person who is in possession and control of private property shall knowingly allow any person under the age of twenty-one (21) to possess or consume marijuana on such private property, unless such minor person has been issued a medical marijuana card. For purposes of this Section, *possession and control of private property* shall mean, without limitation, the owner, tenant or designated custodian, such as a house-sitter or babysitter, of private property. (Ord. 580-13 §1)

9.30.060 Personal cultivation of marijuana.

A. No person twenty-one (21) years of age or older shall possess more than six (6) marijuana plants, only three (3) or fewer of which are mature flowering plants. The marijuana produced by such plants, in excess of one (1) ounce, shall be maintained on the premises where grown and shall not be sold.

B. No person shall cultivate marijuana plants except in an enclosed and locked space and in compliance with all relevant provisions of this Code.

C. No person shall openly or publicly cultivate marijuana. (Ord. 580-13 §1)

9.30.070 Violations.

A person who violates the provisions of this Chapter shall be subject to the penalties set forth in Chapter 1.16 of this Code. (Ord. 580-13 §1)